
MINUTES AND MEETING SUMMARY (DRAFT)
Montana Fish, Wildlife & Parks UGBEP CAC Meeting
Montana Wild Center
Helena, MT
September 10 and 11, 2012 (Meeting 14)

Advisory Council members present: Joe Perry (Chair), Terry Comstock, Jay Gore, Bernie Hart, Gordon Haugen, Bill Howell, Craig Roberts, Senator Jim Shockley, and Dale Tribby.

Other staff and guests: Steve Atwood, Diane Boyd, Pete Husby (NRCS), Debbie Hohler, Quentin Kujala, Ron Marcoux, Ken McDonald, Rick Northrup, Clive Rooney (DNRC), and Ryan Williamson.

Monday, September 10.

1. **Council meeting convened at 8:00 am.** Jay Gore moved to accept the meeting minutes from April 16 and 17, 2012. Gordon Haugen seconded. All approved - *motion carried*.
2. **Ken McDonald defines fall meeting purpose and outcomes.** Ken thanked the Council for all of their good work for the past 3 years. The role of the Council is now shifting from one of planning-rule revision to one of plan implementation and oversight. In the oversight role, FWP is looking for the fall meeting to be where: FWP reports accomplishments for the past year, and Council gives feedback on (1) work accomplished and (2) how accomplishments meet Council expectations on FWP implementing the strategic plan. The Spring meeting will be a work-planning meeting where the Council provides input into priorities for the coming year (2013 field season).
3. **EQC Update.** Joe Perry provided a summary of the May 2012 EQC meeting. One question that arose from EQC was on pheasant feeding. EQC wanted to know Council vote. Joe said it was 9:3, with the 9 members not in favor of supplemental feeding or releasing of pheasants. Senator Brenden did not support the rule change whereby “will” was changed to “may” in terms of cooperator compliance. Senator Brenden mentioned the need for further investigation. The EQC meeting notes are available on the internet at: <https://leg.mt.gov/content/Committees/Interim/2011-2012/EQC/Minutes/May-1-2012/May-1-2012.pdf>
4. Council discussed the comments made by Ed Smith toward the program and individual Council members. Council recommended that they develop a position statement about the program and summary of findings about specific contracts. A position statement is now on file, dated September 10, 2012. The Council asked the department if there is anything that can be done to stop misleading statements about Council members? Joe

emphasized that any correspondence involving Council or Council members will be forwarded to all members.

5. **ARM Rule Changes – current status.** Debbie updated the Council on the current status of the UGBEP ARM Rules. A notice summarizing public comment was submitted to the Secretary of State's office on Sept. 6. Officially, these rules are in place and will be published early in January 2013. Now that these new rules are in place, the next steps are to revise the field guide that ensures clear and consistent program implementation. Once rules are published, Debbie will mail the current version of rule to the Council.
6. **UGBEP Accomplishments for 2012 field season.** Debbie summarized state-wide program accomplishments for 2012.
 - a. **New UGBEP contracts entail:**
 - 78 new contracts
 - 12,586 project acres *add Dugas*
 - 42,283 access acres *add Dugas*
 - 5,635 annual hunter days *add Dugas*
 - Project types were: 1 aspen restoration, 1 conservation easement, 2 CP 37, 6 CRP seed cost-share, 1 fence, 6 nesting cover, 3 shelterbelt, 3 winter food, 56 Open Fields
 - **Open Fields:** Debbie provided a description of program, which pays landowners \$5/acre/# years of USDA-CRP contract to allow walk-in access to hunt game birds on CRP and adjacent lands. Approximately \$306,000 was available from FSA with money needing to be spent by September 2012, therefore FWP paid up-front and recorded the contracts. Many additional acres were included for public access beyond just what was paid for.
 - b. **Habitat Forever Cooperative Agreements:**
 - Billings MOU: \$51,433 (a comparable amount is funded by BLM comprising a full FTE)
 - ❖ Sundance BLM SRMA – 10 maintenance activities totaling 58.5 acres on a 380-acre parcel (irrigated nesting cover, irrigated food plot, dryland food plot, etc.)
 - ❖ Pompey's Pillar – 15 activities totaling 197 acres (irrigated nesting cover, irrigated food plot, irrigated nesting cover/shelterbelt, brood plot)
 - ❖ Yellowstone WMA – 15 maintenance activities totaling 132 project acres (irrigated nesting cover, irrigated food plot, dryland nesting plot, etc.)
 - Denton MOU: \$58,473; Craig Roberts contributed photos and described ongoing efforts.

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- ❖ Beckman WMA: 41 maintenance activities totaling 55 project acres on Beckman WMA (4 food plots, 5 shelterbelts (1 new + 4 maintained), 13 silver sage plantings, 5 mowing projects 12 nest boxes, 1 basin wild rye, 1 gated pipe field)
 - ❖ PF Wolf Creek: 19 maintenance activities totaling 27 project acres (1 deer fence, 2 shelterbelts, 6 silver sage plantings, 3 culvert locations graveled, 7 blue bird nest boxes, maintenance)
 - ❖ DNRC Wolf Creek: 6 maintenance activities
 - ❖ Coffee Creek: 22 maintenance activities totaling 78 project acres.
 - c. **Sheridan County MOU (Region 6):** No projects initiated in 2012.
 - d. **New pheasant releases entail:**
 - ❖ 89 contracts
 - ❖ 8,911 birds released (updated since meeting)
 - ❖ \$78,103 (updated and includes mileage)
 - e. **Supplemental feeding** of pheasants did not occur because criteria were not met.

Council expressed concern about building a large surplus in this fund. There was a suggestion to look at using some of the surplus stocking money to enhance turkey populations in Region 7. FWP will monitor this fund to see if the 2012 surplus is an anomaly or trend. With expected increases in feed prices, the price of birds will likely increase next year.

7. **Regional Reports:** Debbie provided an overview of accomplishments from Regions 1, 2, 3, and 5 (presented on Tuesday).
 - a. Region 1: Continued focus on UGB habitat work on Ninepipe WMA.
 - b. Region 2: Chief focus are on Blackfoot Clearwater Ovando Meeting project and Marshall Creek WMA expansion. Region will continue to seek other public land opportunities that would benefit forest grouse.
 - c. Region 3: Primary focus is on Canyon Ferry WMA and Poindexter Slough FAS, as well as work on sage-grouse in collaboration with NRCS, BLM and other partners.
 - d. Region 4: Diane went through a list of projects accomplished during 2012 including acres and a list of partners worked with involving funding and expertise. Organized by different habitats, Diane provided an overview of the R4 strategic plan and what was accomplished relative to the elements in the plan. She mentioned interest in putting in food plots on Marias WMA once access is acquired to a portion of the WMA. There was also a discussion about fabric and procurement. Ken suggested developing a standing contract with one or more vendors, such as an open contract. FWP still has to follow the procurement process. Diane mentioned there is challenge getting farm work done on public lands. Debbie pointed out that perhaps there should be greater consideration of the Sheridan county model, especially geared towards the Lake Frances area.

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- e. Region 6: Ryan talked about the CP 37 program and its potential if there will be more acres allocated to MT. CP 37 projects included cost-share for light disking and an add-on payment to keep the habitat in grass. Ryan worked with USFWS Partners Program and Sheridan County NRCS. Rick added that the CP 37 projects are “a first,” and various conservation agencies in NE Montana have wanted to see this program on the ground. Ryan discussed his efforts with food plots, Open Fields, CP 37, grazing systems, and wetland restoration. He also mentioned that it is harder to find a place to stay in NEMT, and it has gotten worse in the past year. In terms of the MOU in Sheridan County, Ryan stated that only had one landowner applied but they dropped their CRP. There is only one worker in the Sheridan County Road Department, so he’s busy with maintaining roads, especially with the increase of oil trucks, etc. Ryan feel there may be difficulty finding someone to do the work and finding a place for people to live if the need is there to hire a technician.
 - f. Region 7: Steve gave a brief overview to R7’s strategic plan and described efforts and approach during 2012 that address their plan. Focus areas identified in R7 are the sage-grouse core area, grasslands, and sagebrush grasslands in 5 counties. Additionally, R7 continues to seek opportunities for project renewals and turkey transplants. Steve concluded that 2012 efforts continue to address the regional strategic plan but also plans to work towards establishing additional grazing systems that address core sage-grouse areas. Open Fields created more opportunities for habitat and access, which also complements R7’s strategy.
8. Monday, 09/10/2012, 4:30 pm. **Opportunity for public comment.** No public was present.
9. Ken provided an overview of changes in positions and staffing organization. A staffing organization chart was handed out to Council.

Tuesday, September 11.

10. **FY 2013 Program Priorities.** FWP staff presented Council with a list of program priorities for discussion and to seek Council’s input and additional recommendations.
- a. Refinements resulting from adoption of new and revised rules. Tasks include preparing for the 2013 pheasant release program implementation with the new application deadline, updating program forms, revision of UGBEP field manual.
- Council: Recommends the department proceed with program refinements.***
- b. Renew Habitat Forever MOU (Denton and Billings).

Council: Recommends the department pursue renewing these agreements.

- c. Revise and develop a new version of the UGBEP Field Manual and annual cost lists.

Council: Recommends the department revise the Field Manual and to make this task a high priority.

- d. Develop a communication strategy that targets landowners, hunters, public, and the legislature. FWP will develop an outline and strategy with Communications-Education and will provide feedback to Council next spring.

Council: Recommends the department work to develop a strategy and to make this task a high priority.

- e. Use UGBEP funds to expand the “Open Fields for Game Bird Hunters” program.

Council: The Council agrees that keeping CRP in CRP by not allowing repeated emergency haying and grazing qualifies as “habitat enhancement.”

Discussion highlighted that this demonstrates an immediate and visible benefit to hunters. Decision of council was to revisit the idea at the spring meeting once the department has had a chance to evaluate how well the current federally funded efforts are working.

Further discussion from Council included focusing on opportunities that enhance existing properties already enrolled in Open Fields. Some caution was also expressed as it is generally assumed that CRP will continue as a conservation program in the federal farm bill. Additionally, mid-contract maintenance activities are not always enforced or monitored by FSA, and producers can “self-certify” that these activities were done. It was suggested that any future UGBEP endeavors similar to Open Fields could offer 2 payments, one up-front and one after the mid-contract maintenance was performed.

11. At the request of Council, Becky Jakes Dockter, FWP Chief Legal Counsel, attended a portion of the Council meeting. Joe provided an overview of past work with Bob Lane, with particular focus on the UGBEP Contract and revisions. Past problem was lack of contract violation follow-through. Bob committed to litigating a contract if appropriate. Council is seeking a perspective from Becky as to willingness to litigate contract enforcement if necessary. Becky responded that it depends on the contract terms, but generally “yes.” Legal tries to assess the case to determine the risk of losing – whether or not to litigate based on clear language that would assure success. Certainly trusting that Bob was clear enough to make provisions clear. If these provisions are clear, FWP would go to litigation, if necessary. Additional clarification noted that litigation requires

concurrence up the chain of leadership in the department. Council would support litigation if needed.

12. **UGBEP Income and Balance.** Debbie presented an overview of the UGBEP income, balances, revenue, and obligated costs. Council expressed concern and the need to spend those balances down. FWP will add a feature on the database that allows obligated funds that aren't expended to be classified as "de-obligated," in order to "close out" these accounts to have a better sense on spending and obligations. Debbie will also rework the fiscal tables for Council review.
13. **Database Update.** Debbie reviewed progress since the last Council meeting (April 16, 2012). Progress has been slow due in part to the program's busy schedule and the difficulty with finding information within expired contracts. Some data fields were not used 15 years ago.

Council Response: Council didn't feel it is effective to spend considerable staff time reviewing and updating old, expired contracts. Senator Shockley suggested FWP go to the Legislative Audit Division with these realities. A visit with the Legislative Audit Committee may also be warranted. It does not appear logical to brood this long over old, expired data (Sen. Shockley).

Direction from Council to FWP:

- ***Relative to the database, FWP should make a determination on what contracts will be reviewed and corrected (or noted), based on expiration date of contract or when database software was revised.***
 - ***Advise the Audit Division of that decision so that all contracts older than a certain date will likely appear incomplete in the database.***
 - ***Focus efforts on cleaning up all contracts from that date forward.***
 - ***Update database to note projected expenses, actual expenses, and when project is done so we don't continue to carry obligated funds that will not be spent.***
14. **Legislative Report (FY 2011 and 2012).** Debbie handed out a draft Table of Contents outline to Council. Hard copies and electronic copies of the report will be sent to Council on October 15 to review before it is finalized and sent to the fish and game committees, Council and staff. Council will review and send comments back to Debbie by November 15. Edits may be either done through Microsoft's Tracked Changes or written by hand on the report.

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15. **Rotation of Council Members.** Joe recommended doing this in “thirds.” Bernie Hart (R6, Landowner in Block Management) and Terry Comstock (Region 1) offered to leave Council; Senator Shockley (Republican Senator) will also end his term with the Council. This will be their last meeting unless they do not get replaced before next meeting. **Joe Perry will provide list of open slots to FWP by year’s end. FWP will solicit replacements before the next scheduled meeting.**
 16. Terry offered some thoughts and perspective on Council direction in the future. He suggests the Council recommend a pheasant study to evaluate the success of pheasant stocking. It would also be important to capture and release wild pheasants to compare success rates to pen-reared pheasant releases.
 17. Senator Shockley expressed appreciation working with the Council and the department. Senator Shockley will submit recommendations to Joe Perry and in the future, plans to visit with his successor. Senator Shockley also volunteered to serve in an advisory capacity on the Council, considering his legislative history.
 18. Next meeting to be held in Conrad, Montana. Meeting dates are Monday, April 1, 2013 and Tuesday, April 2, 2013. A tour will take place the morning half of April 1. Travel day is Sunday, March 31.
 19. Joe adjourned the meeting 12:00 pm.